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FACSIMILE COVER SHEET

TO: Examiner S. Isaac
Group Art Unit: 2812

FROM: Michael K. O'Neill (Reg. No. 32,622)

RE: U.S. Patent Application No.: 10/091,461
Our Ref.: 00862.022541.

FAX NO.: (703) 872-9306

DATE: February 7, 2005

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MESSAGE

Attached are the following papers for the above-identified application:

1. Response To Restriction Requirement

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00862.022541.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MASATAKA ITO) Examiner: S. Isaac
Application No.: 10/091,461) Group Art Unit: 2812
Filed: March 7, 2002)
For: SOI SUBSTRATE,)
ANNEALING METHOD)
THEREFOR,)
SEMICONDUCTOR DEVICE)
HAVING THE SOI)
SUBSTRATE, AND METHOD)
OF MANUFACTURING THE)
SAME) February 7, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement set forth in the Office Action dated January 7, 2005, Applicants hereby provisionally elect to prosecute the Group I claims, namely Claims 1 to 5, 8, 10 to 14, 17, 19 and 20. The restriction requirement is, however, traversed.

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Michael K. O'Neill
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Traversal is on the ground that there would not be undue burden in examining the Group II claims, namely Claims 6, 7, 15 and 16. In particular, MPEP § 808 makes clear that even though inventions might be independent or distinct, before a restriction can be required it is also necessary to show reasons for insisting upon a restriction, such as undue burden. In the present instance, it is not believed that there would be an undue burden in examining the Group II claims together with the Group I claims, since the Examiner has already examined the Group II claims. Thus, this case falls squarely within the category contemplated at MPEP § 811:

“Before making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required.”

Here, it is believed a serious burden (i.e., a burden significantly beyond the ordinary burdens of examination) cannot be shown, particularly since any such burden has already been expended. Indeed, there has already been an indication of allowance for claims in both groups.

In view of the foregoing, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be directed to
our below-listed address.

Respectfully submitted,



Michael K. O'Neill
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